

[SEQ

CHAPTER \h \r 1]

Date: March 14, 2018

To: Allie Archer, EPA

From: Dan Brewer, USFWS

Re: Draft USFWS Comments regarding EPA's January 21, 2018 Biological Assessment of the Silver Bow Creek/Butte Area Superfund Site.

The USFWS reviewed the Biological Assessment (BA) and has the following draft comments for consideration by the EPA and its consultants. Our comments are confined to the Bull Trout sections of the BA. We have enough information to acknowledge or concur with your remaining "no effect" and "not likely to adversely affect" determinations for the other species, as appropriate.

We request information in addition to that in the BA concerning the effects of water quality on bull trout and its critical habitat as a result of the implementation of remedial actions.

As indicated in the BA's project description, bull trout and bull trout critical habitat likely occur within the action area (CH2M 2018: Table 3-1). The Warm Springs Ponds OUs are located furthest downstream of the remaining OUs identified in the BA and directly influences the water quality of streams where bull trout occur or bull trout critical habitat is designated. The action area includes portion of the Upper Clark Fork River core area, which was rated as high risk due to limited and/or declining numbers, range, and/or habitat, making the bull trout in this core area vulnerable to extirpation (U.S. Fish and Wildlife Service 2008). Due to the influence that the Warm Springs Ponds OUs may have on bull trout and bull trout critical habitat and considering the vulnerability of the bull trout core area located within the action area, the Warm Springs Ponds OUs portion of the BA requires the most attention.

Ex. 5 Deliberative Process (DP)

[PAGE * MERGEFORMAT]

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Please continue to coordinate with me, Dan Brewer at (406) 329-3951 (dan_brewer@fws.gov), and David Rouse at (406) 449-5225 extension 211 (david_rouse@fws.gov) regarding and revision of the BA and next steps in consultation. After deliberation of these draft comments by the technical teams, the USFWS will prepare a more formal response.

Literature Cited

Ex. 5 Deliberative Process (DP)

CH2M. 2018. Biological Assessment for Silver Bow Cree/Butte Area Superfund Site. Prepared for the U.S. Environmental Protection Agency

Ex. 5 Deliberative Process (DP)

Ex. 5 Deliberative Process (DP)

Kiser, T., J. Hansen, B. Kennedy. 2010. Impacts and pathways of mine contaminants to bull trout (*Salvelinus confluentus*) in an Idaho watershed. Arch. Environ. Contam. Toxicol. 59(2): 301–311.

Ex. 5 Deliberative Process (DP)

Montana Fish, Wildlife and Parks. 2016. Fisheries Monitoring in the Upper Clark Fork River Basin 2016 Report.

Ex. 5 Deliberative Process (DP)

U.S. Fish and Wildlife Service. 2008. Bull Trout 5 year Proposed Critical Habitat Justification: Rationale for Why Habitat is Essential, and Documentation of Occupancy. U.S. Fish and Wildlife Service. Portland, Oregon. 36 pages

Ex. 5 Deliberative Process (DP)